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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/677,058	09/29/2000	Edward Friery	14097	1687

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EXAMINER

LUM, LEE S

ART UNIT PAPER NUMBER

3611

DATE MAILED: 03/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/677,058

Applicant(s)

FRIERY ET AL.

Examiner

Ms. Lee S. Lum

Art Unit

3611

MW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-14,16-18,20,21,23,24 and 27-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-14,16-18,20,21,23,24 and 27-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. A Petition to Revive was granted 12/9/03. An Amendment was filed previously on 11/19/03.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-14, 16-18, 20, 21, 23, 24 and 27-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto et al 5499842 in view of Nicholas 6453535.

Re **Claims 1, 3, 5-7 and 11-13**, Yamamoto discloses cover 10 for safety restraint device M comprising

face portion 11/12 positioned between the device and interior compartment (airbag module within steering wheel) of the vehicle,

the face portion comprising exterior side (unidentified) facing away from the device, and,

seam 15 ("H-shape" - col 5, lines 40-41) in the face portion, comprising nonlinear portion 21 having first and second ends (Fig 1),

the nonlinear portion as including a plurality of bends in alternating directions (bends in portion 21),

the seam further comprising linear segments 18/19 proximate first/second ends of the nonlinear portion, with nonlinear segment 21 between these segments,

and first/second linear sides 15/16 substantially perpendicular to the first/second ends of the nonlinear portion.

The reference does not disclose an outer layer affixed to a side of the face portion, while Nicholas shows this element 20 in fig 8,

Wherein outer layer 20 that is affixed to a foam material layer 22,

The outer layer being sufficiently stiff ("polymeric [or] leather"; col 3, lines 49-51) to resist form-fitting to interior tearseam cut 19a,

such that cavity 19a/18 is interposed between the seam and the outer layer, and the outer layer is devoid of visible indicia of the seam, as depicted in fig 8, where the tearseam cut is made in the interior of the instrument panel.

It would have been obvious to one with ordinary skill in the art at the time the invention was made to include this particular layer to cover the tear seam, and conform with the remaining portion of the instrument panel, yet not reveal the seam, so to increase the aesthetic appeal of the instrument panel. Contemporary art discloses similar features that disguise the tear seam, and offer a smooth, unadulterated exterior to the instrument panel that is aesthetically pleasing.

Re **Claim 4**, the references do not show a linear segment between and adjacent two bends, but this alternate feature would have been obvious to one with ordinary skill in the art with reference to figs 9a and 9c in Yamamoto (disclosure in col 7, lines 5-10). The reference discloses variations in the tear seam.

Re **Claim 8**, Yamamoto disclose the nonlinear portion as including a plurality of bends in fig 9a, and col 7, lines 5-10.

Re **Claim 9**, Yamamoto discloses the seam with bends having sharp corners in fig 9c.

Re **Claim 10**, while the references do not explicitly disclose the seam with bends having nonuniform size and shape, this configuration would be obvious in light of figs 9a-9c, which illustrate various seams.

Re **Claim 14**, Yamamoto discloses the face portion as formed by single-shot construction in col 4, line 62, and operates exclusively of an outer layer.

(NOTE: The process by which an apparatus is made has little patentable weight.)

Art Unit: 3611

Re **Claims 16-18, 20, 21 and 23**, the references disclose the recited elements as described above.

Re **Claims 24, 27 and 28**, the references disclose a method for making a cover of a safety restraint, the steps derived from the structure and means discussed above.

Re **Claim 29**, Yamamoto further discloses the seam as comprising a recessed portion of the face portion, the recess having a thickness smaller than an average thickness of the face portion (fig 3), by definition of "recess".

Re **Claims 30-34**, Yamamoto further discloses the seam as comprising at least four bends in consecutively alternating directions, as disclosed in col 7, lines 5-10, and fig 9a.

3. The references made of record, and not relied upon, are considered pertinent to the disclosure: Davis Jr et al 6076851.

4. **RESPONSE TO REMARKS**

Examiner has modified her previous rejections by combining Yamamoto in view of Nicholas, as provided above. Fig 8 in Nicholas teaches the added limitation of "an outer layer formed from a material sufficiently stiff to resist form-fitting the seam such that a cavity is interposed between the seam and outer layer, the outer layer devoid of visible indicia of the seam." It would have been obvious to one with ordinary skill in the art to include this feature in Yamamoto because of the contemporary trend of providing invisible tearseams within the instrument panel for aesthetic reasons.


Beginning at the bottom of p 14, and to the last page of the Response, Applicant makes frequent references to declarations of the inventor. However, these documents have not been submitted. Therefore, a response cannot be made towards these remarks.

Art Unit: 3611

5. Communication with the Examiner and USPTO

Any inquiry concerning this communication should be directed to Ms. Lum at (703) 305-0232, 9-530, M-F. Our fax number is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to customer assistance at (703) 306-5771.

Ms. Lee S. Lum
Examiner
2/11/04



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